

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, July 22, 1991 at 7:53 P.M.

Present: Ronald Daniels, Mayor
James Hayes, Trustees
Yvonne Kaye
Patrick Kelly
Mary Lowther

Thomas Troy, Village Attorney
David Laubisch, Supt. of Public Works
Elaine Smith Honan, Deputy Clerk

Absent: Theresa L. Cummins, Village Clerk/Treasurer

The Deputy Clerk read the notice of a public hearing being held July 22, 1991 at 7:30 P.M. for the purpose of adopting the codification of the local laws, ordinances and certain resolutions of the Village of Williamsville, said codification to be known as the code of the Village of Williamsville, to consider the enactment of the proposed local law described and summarized below:

Proposed local law #6-1991- A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Williamsville into a municipal code to be designated "The Code of the Village of Williamsville".

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to open the public hearing at 7:53 P.M.

Unanimously carried.

Trustee Kelly stated this is simply a change in our numbering system to conform with the numbering systems for other towns and villages throughout the state of New York. It makes it much more logical. It puts all the zoning under one series of laws and all the parks under a series of laws.

There was no comment from the audience.

ON MOTION by Trustee Kelly, seconded by Trustee Hayes, it was moved to close the hearing at 7:54 P.M.

Unanimously carried.

Elaine Smith Honan
Deputy Clerk

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The Deputy Clerk read the notice of public hearing being held to discuss amending Section 60.16 of the Traffic Code regarding "No Parking" on Reist Street.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to open the public hearing at 7:55 P.M.

Unanimously carried.

Trustee Kaye stated this public hearing is being held to discuss amending Section 60.16 of the traffic code. Under our new traffic code, the number would change to Section 103.16. There's been quite a bit of concern generated over safety in the area of Reist Street due to parking of cars and lack of visibility by West Spring Street. We've heard from a number of area residents regarding their concerns about the possibility of a dangerous situation arising there. Traffic and Safety has taken this situation under advisement. Many of us have looked at this particular area. We have pictures which have been passed out to the Board members that have come in about it. Traffic and Safety has made the recommendation that we have no parking between Main Street and a point 30' north of West Spring Street. Presently there is no parking up to West Spring Street and we are looking to extend it 30' north of West Spring Street since there's a problem when people are coming in or out of West Spring Street that they're not being seen. Originally our Parking Enforcement Officer had made the recommendation as well that we post no parking 30' north of West Spring Street. Recently she revised her recommendation to change it to 50' north of West Spring Street. That would more adequately address the situation and cause for better visibility in that area. For the record, we also received letters from Jennifer Lorenzini and John Lauricella along with pictures and Trustee Kaye is submitting those for the record. Trustee Kaye read the proposed code.

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60.16 No standing

No person shall stand a vehicle upon any of the following described streets or alleys or parts of streets or alleys:

Name of Street	Side	Location
Reist St.	West	Between Main St & Glen Ave.
	East	Between Main St & a point 30' north of West Spring St
	East	From the driveway of the St. Francis Home for a distance of 200' north of the driveway.

This local law shall take effect immediately upon filing with the Secretary of State.

Jennifer Lorenzini, 29 Reist Street stated John Lauricella of 25 Reist could not be present tonight because he is on vacation. As Trustee Kaye stated, Ms. Lorenzini submitted a letter and some photographs about a month ago, which outlined the situation at the corner of W. Spring and Reist. She supports the traffic officer's recommendation to increase the distance to 50'. She brought a drawing of the area in. If you go out to the corner it's much clearer than what we have here. This is an exploded drawing of a topographical map of the area. The hill really concerns her. The narrowness of Reist and Spring both being 2 of the most narrow streets in the Village and the fact that Spring intersects Reist in a very acute angle and the hill-those 3 physical limitations seem to be the major problem of congestion. Limiting the parking 30' north of West Spring Street would not entirely solve the problem. 50' would eliminate any cars being in the line of sight of any oncoming vehicles. Therefore, Ms. Lorenzini respectfully requests that the Board consider and approve the prohibition of parking for a distance of 50' north of West Spring on the east side of Reist Street.

Carolyn Schlifke, 192 Evans Street stated this area has been a problem for many years. It goes back to when she was serving on the Traffic and Safety Committee. At that particular time the Village striped Reist Street with a rather permanent striping to try to separate the lanes of traffic. After it was done, it was quite obvious that you could not have a parked car and a traveling car on the east side of the street. On the west side of the street you probably had a little bit more than one traveling lane in width.

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She always wondered why, the Village, when that striping wore off, did not restripe the street giving just a little bit more space to the east side because that's where the problem was. She thinks it needs striping right now. She thinks it's something the Village Board or you as liaison to the Traffic and Safety committee should be aware of because there will still be a few parked cars on the street even though you're moving the parking down. She travels that street at least once a day on her way either to and from work. Every time she comes down from Main Street she breaks the law by going ~~over~~ the center line because there isn't enough room for a parked car and a traveling car. She thinks it's something the Board could consider to make the area just a little bit safer than it is right now. The problem was exacerbated when the corner house was turned into a beauty salon. It's quite obvious that's where alot of the problem has come from. Also, she doesn't know if there's any right of way on the west side of Reist Street in that block. The land is a hill but she has a feeling the Village could pick up some space on that side if you wanted to pave it, which would keep the traffic flowing just a little bit better than constantly having to cross the solid line, which is illegal.

Bill Wutz, 3 Hillside Drive, stated he lives just around the corner of the Glen extension. He walks that street probably 365 days a year. You have to walk in the street because of the cars parked on the sidewalk down there. He's lived there since 1953 and that's as long as they have been doing it. He thinks that Carolyn Schlifke's idea of widening the street on the west end could be an engineering project because that hill is anywhere from 4'-6' in that area. He doesn't know how much area could be gotten without that fence falling out in the middle of the street. Something would have to be done according with the cemetery people who own that property. He agrees that the street is too narrow. If this law is going to be enforced like the stop signs in the area are enforced, you might as well forget it because the people do not stop at the stop signs coming off of Glen Avenue, they do not stop coming off of Glen Avenue, they do not stop coming off of Reist Street. In fact, his car was almost hit the other morning. A woman went right straight through it and a man went through it right after her.

Trustee Kelly stated as liaison to enforcement, he whole heartily agrees that this law should be passed and that it should be the 50' restriction. He's spoken with Pat Armitage at length about enforcing that area and it's really a tremendous hassle to enforce. This will make it somewhat easier. Trustee Lowther and Trustee Kelly were out there on one occasion trying to figure out if we moved stop signs or moved things around maybe we could pick up some additional space and shut off the parking.

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It's extremely difficult to do that. By moving the street parking completely away, hopefully, it will enable easier and quicker enforcement and he is certainly in favor of it.

Trustee Lowther commented she has been involved in this situation for quite a long time. She talked with Jennifer and worked with her. Trustee Lowther has walked down there at different times of the day and it's been a perennial problem. Mr. Wutz is correct. It's been happening for years. By taking this step, and she is wholly in favor of the 50' parking restriction, she thinks it's a step in the right direction. It might not solve all the problems but she thinks it's a good start.

Superintendent David Laubisch stated regarding Carolyn Schlifke comments about the pavement marking, that Reist Street was scheduled for resurfacing last year. At that time, he spoke with the Town of Amherst and they were planning to do the bottom end of Reist Street this year, so that we put it off our portion until this year. This way the entire length of Reist Street from North Forest could be done at once. That is why that wasn't marked earlier this season when Mill and South Cayuga were marked. We are going to resurface the portion of Reist Street that is within the Village limits but because of the funding crisis, etc., he doesn't believe that the Town is going to resurface the portion of Reist Street that is in the Town this year. When we get the street resurfaced, we will survey the pavement widths and mark it so it will afford the safest possible travel up and down the street.

Trustee Kaye asked Superintendent Laubisch if he could comment in terms of paving, moving into the right of way.

Superintendent David Laubisch stated he wouldn't comment at this time until he looked at it. He knows the telephone poles are relatively close to the road there. He doesn't think that's going to be an easy project. He would rather go down there rather than commenting by recollection.

Trustee Kaye asked Superintendent Laubisch to look at it and come back with a recommendation.

Maryanne Avery, 64 Garrison, stated she has lived here all her life and has observed it growing up. The street hasn't gotten any wider but there's alot more traffic than there used to be. She wonders if there is some other place the people could park. Is there some other way the Board could solve this by finding some other place for people to put their cars. What is happening with the land that's in behind them.

Trustee Kaye stated Sipar is still there.

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Trustee Kelly stated he knows there's nothing in front of the Planning Board at this time regarding Sipar.

Mayor Daniels stated that would be private parking there anyway for their business.

Trustee Kaye stated the problem on the corner there is really the visibility coming up and down the hill.

Maryanne Avery agrees you just can't see. She agrees with the 50' restriction.

Trustee Kaye stated it would be her recommendation as well. She would like to see it moved to 50' as well instead of the 30".

ON MOTION by Trustee Kaye, seconded by Trustee Hayes, it was moved to adjourn the public hearing at 8:11 P.M.

Elaine Smith Honan
Deputy Clerk

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Absent: Theresa L. Cummins, Village Clerk/Treasurer

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:52 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held July 8, 1991 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved at 7:53 P.M. to open a public hearing on the codification of Village codes. (The meeting was adjourned at 7:54 P.M.)

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved at 7:55 P.M. to open a public hearing on a proposed local law to amend Section 60.16 of the traffic code. (The meeting was adjourned at 8:11 P.M.)

Unanimously carried.

Mayor Daniels reported on Old Home Days. As always it met with lots of different emotions from residents from looking forward to it to actually looking forward to taking a vacation during it to be out of town. We did have concerns that are perennial in nature with the traffic problems, the parking problems and just the glut of people that come into our Village. Mayor Daniels said one non resident, who had come to help in one of the booths, received a parking ticket for parking in an unlawful spot because there was no place to park. He called Mayor Daniels to see if he could get it dismissed, which Mayor Daniels has no authority to do.

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He was quite upset. It really is the same problem that every municipality or area has when they run a special event. During the Allentown Art Festival, parking is a real problem for the downtown people. They have their same problems that we have, when they have Taste of Buffalo. When there's a sell out at Rich Stadium the parking around that area is very difficult. This fellow with the parking ticket wanted us to get rid of Old Home Days because he got his ticket but then do you get rid of the Bills and the Allentown Art show because people can't park for that event. It is a 4 day event that is basically run for a charitable organization. His understanding is this year they did quite well. The weather held incredibly well. If anything, it was too hot and sunny. We'd like to work next year on better police coverage and more police vehicles parked in the sidestreets. We'd like to see possibly police vehicles parked on Milton Street and various streets around the area. Even if there's no policeman in the car, Mayor Daniels thinks the actual vehicle there might help. The next time this comes around for it's annual meeting he thinks we will work for some more safety measures. All in all, there were very few problems of a police nature and very few accidents reported by the ambulance crew except for bee bites. All in all, it still was a fairly positive event for the Village.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, vouchers in the amount of \$208,218.00 covering 7/4/91 - 7/18/91 were approved:

payroll fund w/e 7/13/91	\$	21,997.99
General fund		144,057.54
Water fund		30,716.80
Sewer fund		22.44
Trust & Agency fund		6,571.63
Glen Park Joint Activities fund		524.60
Capital fund		-0-
Community Development fund		-0-
Risk Retention fund		<u>4,327.00</u>
	Grand Total	<u>208,218.00</u>

Large Vouchers:

United Insurance Agency	\$114,522.00
Erie County Water	\$ 30,481.08
Occidental Chemical	\$ 9,581.32

Unanimously carried.

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Mayor Daniels stated he is going to pull his second resolution. It involved Nussbaumer and Clarke, an engineering firm that the Village retained a year ago to do a monitoring and computer modeling study of our water system in anticipation of improving it with a possibility of it being taken over by Erie County Water in the future. The next phase involves possible removal of the water tower at the end of Rinewalt, between Rinewalt and Academy. If certain interconnections are made, specifically there, the one with the Centerpointe development and the water tower would then become unnecessary for proper water pressure for fire fighting. We're in kind of a catch 22 situation with the water tower. It is necessary to our system at this point but it also is overdue for major renovation on the interior, which would cost about \$75,000. The removal of the tower will cost around \$150,000. We'd like to work very quickly on deciding what course of action we're going to take. The water system, obviously, is one of the more critical areas of a municipality. This resolution would have approved \$7,000 more of studies for Nussbaumer and Clarke. They gave us that estimate for 4 areas that they were going to address. We'll hold this resolution and get the costs broken down into each area. Priority #1 would be to determine if that water tower is necessary or not at this present time because that's the most pressing problem. Whether we ultimately enter into a lease agreement with Erie County does not have to be decided that quickly but the water tower is a situation which we need to address fairly soon.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT Daniel N. Flanagan, 1436 Werhle Drive, is hereby appointed Seasonal Laborer in the Department of Public Works effective July 9, 1991, at the rate of \$4.50 per hour.

Unanimously carried.

Mayor Daniels stated his fifth resolution deals with very shortly we're going to see the retirement of Mary Harrigan, who is our Water Billing Clerk and Deputy Clerk. There will be a reshifting of positions at that time. So the Village, in consultation with Theresa Cummins, reorganized the office so that there will be an Account Clerk Typist position (created) and Elaine Honan will move into the Deputy Clerk position. What we are doing is creating that position, which is a civil service position.

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ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT the position of Account Clerk-Typist is hereby created in the Village Water Department.

Unanimously carried.

Mayor Daniels stated his next resolution deals with being in the process of renovating the DPW building and we've already gotten all the information we need up to the point of calling for bids. We would like to move this along as quickly as possible to give as much building season as we can to the firms that will ultimately be awarded the contracts. We will call for a special meeting of the Board, Monday morning at 8:00 A.M., August 5 for that purpose.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT a Special Meeting will be held by the Board of Trustees on Monday, August 5, 1991 at 8:00 A.M., for the purpose of awarding the contracts for the reconstruction of the Department of Public Works building at 40 S. Long Street.

Unanimously carried.

Trustee Lowther reported that the Environmental Advisory Committee will not be meeting in the month of July. Our next meeting will be August 22. One of the resolutions on the Mayor's agenda was to appoint a Tree Warden for the Village of Williamsville. We created the position at the last meeting. The reason we want a Tree Warden is to have someone who will oversee the planting of trees in the Village, especially in the Village right of way, where we've had many problems in past years. Trees planted interfered with wires or were planted too close to the road or too close to the sidewalk. By having one person, who is a volunteer, answerable to the DPW and the Board we think we'll have a much better handle on these problems in the future.

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ON MOTION by Trustee Lowther, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT Virginia Collier, 106 Milton Street, is hereby appointed to the volunteer position of Tree Warden until the end of the 1991-1992 official Village year.

Unanimously carried.

Trustee Kaye stated this is a brand new position that's been in existence only 2 weeks. When this appointment comes around during reorganization perhaps we could let the community know a little more about this position and that is available. It is her understanding that the person appointed was the only one considered for the position. She's sure we have alot of people in the community who would have the experience and time and who would be interested in the position if they knew it was available.

Mayor Daniels said it was important to move on this appointment quickly because the trees need the most attention from now until Fall. He values the expertise of Ginny Collier, who for many years was a valuable member of the Environmental Committee in the Village and also a very special amateur arborist in her own right.

Trustee Kaye reported Traffic and Safety will not be meeting in July or August. Our next meeting will be September 19th. As she mentioned at our last meting we are looking at the Scofflaw and how the Village may implement that law so we can enforce and collect on outstanding parking tickets, which we presently in many cases, are not collecting on. We are paying someone to give tickets out and we'd like to be able to collect on those tickets. The Traffic and Safety committee is working on that area.

Trustee Kaye reported that regarding NOREC, 4 of the large municipalities that NOREC had hoped to have at this point have not joined the program. At our last Village Board meeting the Village of Williamsville did join NOREC. Tomorrow at 4:00 P.M. in the Village of Depew there will be a special meeting to discuss where NOREC goes from here since we now have approximately 150,000 members. The beginning point of NOREC operating as we voted on was 350,000 so we're approximately 200,000 members short. We will be discussing what our options are as NOREC and what will happen with the material recovery facility.

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Will it be scaled down? Will there be other communities such as Niagara County or other [outlying] areas joining to make up that difference and what will happen? We'll be asking questions about the timetable and if by some unfortunate chance NOREC will fold, what will happen to the money and the shares of that?

Trustee Kaye stated her resolution authorizes the Mayor to sign a contract amendment regarding Lehigh Memory Trail which amends the time frame within which the project was completed. Originally it was from 6/1/88 to be completed by 5/31/89 and it's being amended to 6/1/88 to 12/30/90, which the project was completed within that time frame. This allows us to receive the rest of our grant money from the state.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, the following resolution was hereby adopted:

RESOLVED THAT Mayor Daniels is hereby authorized to sign contract amendments and certifications for Lehigh Memory Trail Grant PKS 87-NI-015/Contract C001115 which will extend the termination date and amend the Schedule A portion of the original Agreement.

Unanimously carried.

Trustee Kelly reported that 2 or 3 meetings ago an individual approached the Board with respect to drafting legislation banning the sale of cigarettes from vending machines within the Village. He has prepared a proposal as legislation which he will be turning over to Attorney Troy to review for it's legality and hopefully there will be a resolution shortly on that. The major purpose on that is with respect to the vending machines, too many individuals under the age of 18 are using them as their source for cigarettes and this law would avoid those sales. It's not in any way to ban the sale of cigarettes from behind the counter.

Trustee Kelly encouraged everyone to attend Savor the Flavor. There are a number of youth activities scheduled and it should be a good time for all.

Trustee Kelly stated with respect to his liaison to insurance, the Insurance committee has pretty much disappeared over the past several years. He is in the process of getting this committee back together again so a number of agents in the Village area can discuss avenues and ways of hopefully saving us money.

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Trustee Kelly reported on the Compliance committee. Recently, the Village hired a new clerk in the Building Department by the name of Debbie Habes. She has been on board for less than a month and he thinks she's up to speed on everything. Since both Attorney Troy and Village Prosecutor D'Angelo are now back from vacation, compliance will be stepped up. We have a problem with a number of places on both Eagle and Evans and we're going to pay some particular attention to that area to see if we can clean up some of the problems involved there. He's had the opportunity to meet with 15 or 20 of the residents in the area who have a number of different problems and hopefully we can get some of those addressed. They range from a broken down car that's been stored on one property to residents erecting fences without permits to **using buildings** for businesses in a residential area. Two or three of these matters mentioned are already in the court system and hopefully we'll be successful in prosecuting them. Trustee Kelly welcomes anyone that has a problem with neighbors to contact him at any time and he'll be happy to turn it over to our Compliance committee. Once you let the neighborhoods go, then you're going to have a big problem and it's important to make sure things are taken care of accordingly.

Trustee Kelly stated his first resolution has to do with the Stop DWI program. Basically, we have a contract with the County of Erie which enables us to receive funds for DWI arrests in the Village area. The fines will be returned to us so we can use them for stepped up enforcement of DWI.

ON MOTION by Trustee Kelly, seconded by Trustee Kaye, the following resolution was hereby adopted:

RESOLVED THAT Mayor Daniels is hereby authorized to execute, on behalf of the Village, the 1991 STOP-DWI Contracts with the County of Erie for the period January 1 thru December 31, 1991.

Unanimously carried.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to suspend the rules for 2 resolutions not on the agenda.

Unanimously carried.

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Trustee Kelly stated these resolutions have to do with the Fire Safety Awards. Anyone who attended the last meeting heard that James Hayes, liaison to the fire department, has to excuse himself from voting on these matters. Trustee Kelly is pleased to propose these resolutions. All the matters that have been before us for the last year, with respect to the Fire Service Award and brought up at the last meeting had now been put in the form of a resolution, hopefully which will pass and we can bring in front of the voters.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, the following resolution was hereby adopted:

RESOLVED THAT the Village Board of Trustees proposes the establishment of a Service Award Program for the eligible volunteer firefighters of the Hutchinson Hose Company under the following provisions:

- 1) The Service Award shall be a Defined Benefit Plan with an award to be paid to eligible firefighters in the amount of \$20.00 per month for each year of qualified service, not to exceed forty (40) years, and entitlement age to be sixty (60) years old.
- 2) Each eligible volunteer firefighter participant shall receive credit for up to five (5) qualified years of active firefighting service, prior to the establishment of the service award program. Buy back to be a five (5) year amortization.
- 3) The Hutchinson Hose Company shall contribute to the Award Program an amount equal to the cost of the first two (2) years of the buy back.
- 4) Vesting will be 100% after completion of five (5) years. There will be no partial vesting. There shall also be 100% vesting of participants who have served five (5) years retroactive.
- 5) Payments of the award shall be in the form of a life annuity with 120 payments guaranteed. Payments are authorized to commence one year after the date of the establishment of the service award program.
- 6) Death and disability payments are authorized to commence upon the date of establishment of the service award program.

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- 7) The plan shall include a pre-retirement death benefit of the greater of \$10,000.00 or the value of the participants earned benefit.
- 8) Qualifications of volunteer firefighters for this service award shall be 50 points per year, in accordance with the point system set forth in the General Municipal Law and the Hutchinson Hose Company.

Roll Call:

Trustee Kaye	yes
Trustee Lowther	yes
Trustee Kelly	yes
Trustee Hayes	abstain
Mayor Daniels	yes

Motion carried.

Trustee Kaye stated it should be noted that we still need the third proposal prior to the referendum. She is pleased to see that we are honoring our firemen; however, she would have hoped to have a copy of this resolution prior to 6:30 P.M. this evening which would have been helpful. She is pleased that we are moving forward on it and our volunteers certainly deserve to benefit from the service award. The Village appreciates their outstanding service.

Trustee Hayes stated that the Service Award Program is very important. He believes it's very important that the Village has taken a very positive step forward in moving this closer to public participation and public discussion. As he stated in previous occasions and he stated in the special meeting on July 8, it has been his pleasure to work with members of the Hutchinson Hose Company to formulate this plan and bring it to the attention of the Village Board. He also wants it understood that the reason he abstains from the vote is on recommendation of the Village Attorney and the New York State Attorney Generals opinion that there may be a conflict of interest because he is also an active member of the Hutchinson Hose Company. He is very grateful that the Board has seen fit to move ahead on this program.

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ON MOTION by Trustee Kelly, seconded by Trustee Kaye, the following resolution was hereby adopted:

RESOLVED THAT the Village Board of Trustees, in accordance with State Law, hereby establishes Saturday, October 5, 1991 as the official date of the mandatory public referendum on the Service Award Program for members of the Hutchinson Hose Company and;

BE IT FURTHER RESOLVED THAT the Hutchinson Hose Company will pay all costs involved with holding the public referendum.

Roll Call:

Trustee Lowther	yes
Trustee Hayes	abstain
Trustee Kaye	yes
Trustee Kelly	yes
Mayor Daniels	yes

Trustee Hayes stated it is understood again that he abstains from that vote on advice of Village Attorney.

Motion carried.

Trustee Kaye stated she looks forward to seeing Hutchinson Hose have an active education campaign to the public. She thinks particularly when we're talking about the possibility of .50 per thousand in taxation that people are going to really need alot of education to understand what they're voting on.

ON MOTION by Trustee Kelly, seconded by Trustee Kaye, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Hayes reported he mirrors the sentiments that we expressed earlier by the Mayor about Old Home Days. As liaison to both the Old Home Days Committee and the Parks Committee he is interested in hearing from Village residents on how they felt about this year's activities. The Parks Committee will shortly be embarking on the project that they normally undertake with the DPW and that's getting Island Park back into shape for use by Village residents. If there are people in the community who have comments that they would like to make about the success or the failure of particular aspects of Old Home Days, he would encourage residents to contact him with those comments.

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Trustee Hayes reported the Parks Committee meeting for this month will be on Wednesday. There will be a meeting tomorrow evening of the Savor the Flavor Committee whose members are moving full steam ahead on another successful program for the Village. The date is Wednesday, August 7 and we have outstanding participation from the area restaurants. The volunteers are very much looking forward to this year's event. A number of posters have now appeared up and around in the Village. He wants to say a special word of thanks to the members of the Parks Committee and the members of the Savor the Flavor Committee, the Williamsville Business Association for all of their assistance in putting those up around the Village and helping us publicize this very enjoyable event.

Trustee Hayes reported that the Local Government Advisory Board that was created just about a month and a half ago has held it's first official meeting on Tuesday, July 16 here in Village Hall. It was a very interesting meeting because the Advisory Board decided to take on 2 very important issues on it's agenda for the upcoming several months. One of those issues involves something that we touched on tonight and that is the pros and cons of joining with the Erie County Water Authority under a lease purchase agreement. He continues to be impressed with the level of professionalism and commitment that the people who have agreed to serve on this Board are displaying. Their interest in tackling that issue is certainly something that he welcomes. The water system has been a circumstance that's gone back and forth for a number of years. There are certain problems that have arisen with it but there are certain strengths also that we don't want to ignore. Trustee Hayes thinks the fact that this committee has volunteered to take that on as a major area of discussion in the next couple months is to the benefit of the community and also to this Village Board.

Trustee Hayes reported also the Government Advisory Board will also consider a request that came before it from the Village Clerk/Treasurer to examine the pros and the cons of switching the position and the title of the Village Clerk/Treasurer to that of Village Administrator. This has been an issue that has come up in the past by request of the Village Clerk/Treasurer. There are a number of good reasons why that should be undertaken. There are also some concerns that many people have if we move to that type of government, what would happen to existing communication structures, etc. So the Local Government Advisory Committee has agreed to take a look at that and invite to it's next meeting several Village Administrators from across Erie County who have gone through the same process, all with the goal of trying to strengthen Village government.

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Quite a bit of the discussion that took place at the Advisory Committee meeting involved praising the Village of Williamsville for being a trend setter in this area and being proactive in the face of a hostile governor who believes that Village governments should not exist statewide, if that's an editorial comment. Trustee Hayes thinks that the recent cutbacks that we have seen at the state and local level of revenue sharing, dollars that come from this community, back to Albany and suddenly it's felt in Albany that it belongs to them and that it doesn't belong to the people in which it came from is certainly having a very devastating impact as we saw in our budget negotiations this year and as other villages and municipalities have. So there's praise for the Village of Williamsville to go around that we have decided to take the bull by the horns and to be proactive and to plan on ways in which we can be more efficient and effective. The next committee meeting will be August 28 at 8:30 A.M. here at Village Hall.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT the Village Board of Trustees, acting as the Fire Commissioners for the Hutchinson Hose Fire Company, hereby reinstates Herbert Wingerter, 187 Mill Street, as a fireman in the Williamsville Fire Department.

Unanimously carried.

ON MOTION by Trustee Hayes, seconded by Trustee Lowther, the following resolution was hereby adopted:

RESOLVED THAT Mark Kardaman, Tony Schueckler, Rick Meldrum, Mike Meldrum and Chris Petrie, Williamsville firemen, are hereby authorized to attend the Auto Extrication Competition near Tully, New York from July 18, 1991 until July 21, 1991 at no cost to the Village of Williamsville.

Unanimously carried.

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Superintendent of Public Works, David Laubisch reported that BFI has noted that several residences in the Village of Williamsville are mixing food garbage in the recycling container. This is a violation under the Village code the way the recycling was set up. Just to reinforce that point, letters were sent to the homeowners stating that if this situation wasn't corrected that the ultimate result is that their garbage will not be picked up if it's not properly sorted. He'd just like to reinforce that point again. Food containers, such as old pizza boxes, cereal boxes, different types of containers that have had a food product in them are not recyclable. This does not include cans which can be rinsed out, bottles that can be rinsed out. This is basically cardboard containers, some type of container that has had a food product in it is not an acceptable recyclable item.

Superintendent David Laubisch also reported we are starting our repaving and resurfacing program. Within the next week and a half affected residents will be notified when their streets are to be paved. Written notices will be sent out so that we can minimize inconvenience to the residents at that time. They can make arrangements to park their car at the end of the block or some other convenient location so we try to keep the inconvenience to a minimum while we are resurfacing the road.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, it was moved to suspend the rules for the purpose of public participation.

Unanimously carried.

Tony Schueckler, 231 California Drive and Director for the Hutchinson Hose Company stated on behalf of the Executive Board he'd like to thank the Village for moving ahead on the Firemens Service Award. We realize it was a little short notice to consider these resolutions. However, in light of the fact that the Town adopted the same policy or a similar policy for the other fire companies in the Town, at least it puts us on track with the rest of the companies. Mr. Schueckler stated he would like to clear up in regard to .50 per thousand. He believes that's about twice or 3 times as high as it would be. In light of the fact that Hutchinson Hose is donating upwards of \$100,000 towards the buy back the cost to the taxpayers will be substantially less than .50 a thousand. Maybe somewhere between 12 1/2 cents to 20 cents. Mr. Schueckler stated he didn't want to scare the public into thinking that they are looking at a major tax increase at a time when other tax increases are happening. As of today, the Board members should have 3 quotes in their possession for pricing on this pension program. The Fire Company will cooperate fully on getting the Board all the information they need.

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Trustee Lowther stated we had talked about the generous offer of approximately \$108,000 the fire department made at the last meeting. She questioned if there was any problem if that amount was spread over a different time frame such as 5 years to reduce the impact of the buy back.

Mr. Schueckler stated the only thing the fire department would like to know in the near future is how the Board would like to proceed so we can allow the funds in the budget because our budget doesn't correspond with the Village's. It's a normal January to December budget. As long as we can work on our budget we have no problems as how the Board wants to arrange it.

Trustee Lowther stated she just wanted to make sure we clarified this publicly. After the fire department's offer everyone was taken back by the generosity of it.

Trustee Kaye stated we certainly appreciate the generosity. Trustee Kaye asked in regard to the public education process, how does Hutchinson Hose propose to proceed?

Mr. Schueckler stated because of the uniqueness of their fire company, they may do two mailings depending on whether only Village people vote or if all residents covered by Hutchinson Company vote. Our district is unique because we cover not only the Village of Williamsville, we cover 5 other fire protection districts, one which is a corporation and there's no legal determination as to how they would even vote on this referendum. There are a lot of grey areas just because of the way our geographical situation falls into place.

Trustee Lowther stated it was her understanding that it would just be the Village of Williamsville and asked Attorney Troy for clarification.

Attorney Troy stated the voters on this referendum will only be the Village of Williamsville residents.

Mr. Schueckler stated that's why the fire department plans to do a two-purpose mailing because we also want to keep our other tax payers informed of what's going on even though they won't have a vote along with the public educational and informational program. The Fire Department will probably have an open house and invite people to come in and actually find out what's going on. It might be a good time for us to promote ourselves to the public also. We do have a few things planned.

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Carolyn Schlifke, 192 Evans stated that as chairman of the Parks Committee stated she's not going to voice her own personal opinion of Old Home Days because some are good, some are bad but her concerns are what happens to the park. Every year that she's been associated with the park she's always assured by everyone involved, "oh the grass will grow again" and it does, some of it. This year we've had a rather hard year on Island Park. We seem to have almost become the entertainment center for the Town of Amherst. While all these functions that we run are very nice and many people enjoy them, she worries about what is happening to a park that has always been a green oasis in the middle of the Village and is slowly becoming a mudhole. Some of the grass will come back but we're finding it increasingly difficult to get grass to grow in some of the areas. It isn't because of lack of trying but you cannot grow grass on concrete and that is what is happening to the ground in Island Park. We've had a tremendously hot, dry summer which has not helped the issue at all. You can't throw grass seed on hard ground and expect it to grow. Plus, it's rather an expensive project. Have any funds been offered by the Old Home Days Committee for restoration? She knows that the bills of the Village are paid to a certain extent by that committee but she is wondering, where are we going to get the money to try to put Island Park back the way it should be? It has to be done by at least the second week in September in order to get a full growing season before the onslaught of the next year. While she knows there is no money that was set aside in the budget, she was informed that some money had been given to the Village by the Old Home Days Committee or Jolly Boys last year. Whether those funds were expended or whether they were put into the general fund and have disappeared in the budget, she doesn't know but she just wonders where we're going to get the money to try to make this park presentable again.

Trustee Hayes stated as liaison to the Old Home Days Committee, he attends one meeting a year and then brings back to the Village Board what's going to happen during this carnival. He is aware that last year certain monies were made available to the Village of Williamsville from the Jolly Boys. He is very much in favor of the Jolly Boys and the Old Home Days Committee again giving some assistance in restoring the park as best as can be done. Trustee Hayes is also aware that that's never really been a written agreement that we can point to. However, he would like to make it known to the Jolly Boys and the Old Home days Committee that that is something that the Parks Committee would like to see happen as a result of the Old Home Days. He will certainly advocate that as strongly as possible.

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Ms. Schlifke stated it may entail even hiring an outside person because you cannot throw grass seed on hard ground and expect it to grow. It won't. You need at least 6" of some type of tilled soil in order to get grass to grow. Otherwise, we're throwing money on the ground. Ms. Schlifke believes it's up to Trustee Hayes or the Board to approach the Jolly Boys or the Old Home Days Committee to ask for money. We certainly want to have the park as presentable as possible. The more and more functions that we have there, even if they are one day functions, do have some impact on the park. Also regarding Old Home Days, she has been asked why the Village had a sign in front of the Village Hall advertising the raft race which was a part of Old Home Days when the Village of Williamsville really does not sponsor this function other than the fact that it is held in the Village and a resolution was passed allowing it to take place.

Mayor Daniels stated the Old Home Days Committee or the Jolly Boys applied for the sign permit. It's a Mayor's permit and he saw no harm in it.

Ms. Schlifke stated it just seemed like somebody was putting up a sign that had supposedly no involvement with the function that was going on. If it were the July 4th fest or the Savor the Flavor or the concert it could be understood.. It just didn't seem to fit in with the way the Old Home Days are run and the people that are running it and why the sign was placed there.

Mayor Daniels stated it's nothing unusual for us to have a sign advertising an event that we're not associated with.

Ms. Schlifke stated that Trustee Hayes asked for remarks or problems or questions that people had regarding the Old Home Days and she is passing on remarks that have been made. Earlier this year during budget time the Parks Committee was advised that the monies that would be earned by Savor the Flavor, and she has to assume the craft show that we're going to run in September, will be placed in the general fund along with funds that the Youth Committee raises with the flower planters on Main Street. This is correct. This is the way it should be. Any monies that are earned by the Village Committees should go into the general fund. She gives Mayor Daniels credit for being over on Island Park in that heat and having a Performing Arts Committee booth but alot of people would like to know where is the profit from that booth going to be placed. Is it going into the general fund the same as the other money has to?

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Mayor Daniels stated there was a determination when he formed that committee that those funds could not be commingled with the general fund according to Village Attorney Troy. There is no budget line for the Performing Arts. It's one of the few volunteer committees that doesn't have a budget line, although, we spend thousands of dollars. The concern of the Village Attorney was if we were to get into a situation that we lost money he did not want an entertainment group or some person we owed money to come back against the Village. For instance, we had mugs printed that said July 4th fest, or the sweatshirts that we sell through that committee. We did not want some person we owed money to come to the Village in a lawsuit asking us for money. So we requested to set up a separate account at Marine Midland Bank across the street, which is where that money is deposited. The records are kept by Gary Stith, our Treasurer. That's how it's been run only because the original determination was that it was an unusual enough situation.

Ms. Schlifke asked if there was an accounting of that account that can be made public and is it available to the other Board members. People have always criticized the Jolly Boys and the Old Home Days Committee because they would never allow their funds to be made public. In as much as the Performing Arts is a Village Committee that was established through a resolution of a Village Board, she can understand what Attorney Troy is saying but she has a little bit of a problem that it's a Village committee but privately owned and run.

Mayor Daniels stated we have a not-for-profit status that we applied and received. Nobody has ever asked him for an accounting but had they, they certainly would have had it.

Ms. Schlifke stated she knows that the Performing Arts does many nice things with the Meeting House and some of them are done at no cost to people, offering free admission. She has no problem with that. She just wanted to clarify the fact that there was no discrimination against Parks and Youth. There was no discrimination between these committees and the funds that are earned. The Parks and Youth have to rely on the Village Board to have the money for next year so that we can do something for the parks with the money that we have earned and yet another Village Committee, the Performing Arts, is allowed to handle their money in whatever manner they see fit. She just wants to see that there was no discrimination between Committees and the funds they earn.

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Mayor Daniels stated he'd like to see it go into the general fund. He always thought it should. At this point in time that wasn't the determination. As far as money generated from the Performing Arts, that would go to park improvements or something. We've never had a surplus. Every nickel goes back into a freebee or a performance or some equipment for the Performing Arts.

Trustee Lowther stated she is liaison to the Performing Arts group. They don't meet on a regular monthly basis like other Village groups but they will be having a meeting soon. She will be happy to let Carolyn know when they will be meeting.

Trustee Kelly stated it is his understanding and he would like some clarification from our Village Attorney that the Performing Arts is actually a separate not-for-profit corporation just like NOREC. For example, he is liaison to the Amherst Youth Board. He doesn't really have any power whatsoever over what the Amherst Youth Board does. If his understanding is wrong, he'd like to be corrected on that.

Attorney Troy stated this is a rather complex issue. He's taken a position all along that all committees in the Village, with the exception of the Planning Board and the Board of Appeals, are strictly advisory. He took an earlier position that such committees should not have separate funds of their own, that any funds which they receive should be transferred to the Village. Unfortunately, the Board arrived at a compromise of it's own that wasn't consistent with the way he perceived it and he is assuming that the situation is continuing that way. Whether this committee has a bank account of it's own, at this particular point, he does not know. His only concern as has always been is that any of these committees should not have the authority to go out and commit themselves to contracts or contractual situations which could come back to haunt the Village without the Board of Trustees as the contracting agents for the Village.

Trustee Kelly stated he was under the impression that there was a separate not-for-profit corporation there the Board is not involved in.

Attorney Troy stated he cannot tell Trustee Kelly. He knows that they use the designation of the Village Meeting House for the Performing Arts Committee but he doesn't know what their status is with reference to the Village at this point.

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Mayor Daniels stated he thinks what we need to do is discuss the role in the Village of the Performing Arts Council. It was very difficult to get it started in the first place and there was alot of going back and forth as to how it should function and what it should consist of. Basically, at this point, it's not a not-for-profit separate corporation. It is simply a subcommittee that generates income through ticket sales figuring that those ticket sales plus any donations or advertising in pamphlets or programs will defray the cost of entertainment, whatever it may be. The Philharmonic, for instance in Island Park, the bill for that with sound system was close to \$3,000. That money was generated through contributions and also the sale of pop and food. He'd like to clarify that. We need to work more on that just to find out where we are with it. He would love it to go into a general fund account. It would save him alot of book work, on the other hand, he doesn't want any liabilities for the Village. It's puzzling to him that most areas, West Seneca, Orchard Park, East Aurora all have arts councils as well and they do the same functions that we do yet they seem to have more ties to the government or perhaps the Chamber of Commerce than this particular Performing Arts Council does. He'd like to discuss it more in terms of the permanence of the Performing Arts Council and it's role in our community, not only being beneficial to the business community but also the cultural community and also the education of our children through the programs that we provide. Mayor Daniels thinks all of those are vital and necessary in the Village and they're an enhancement to the life we have here. We might have the Local Government Advisory Board look at this in so far as what role should the Performing Arts Committee have and what are the ramifications for the long term. At this point, it's not a clear cut issue.

Trustee Kaya stated she wants to clarify that she was a member of this Board when the Performing Arts Council came into existence and there was quite a bit of debate and dialogue as Mayor Daniels said. Attorney Troy did recommend to the Board that those monies should come back to the general fund. There was a concern at that point that there was not a budget or a line item in the middle of the year for the Performing Arts Committee and the establishment of it. There was quite a bit of dialogue and debate over it and it has come about as we see it today. She would personally like to see an accounting of that money and is now formally requesting that accounting of the Performing Arts Committee funds as well as those of the 4th of July event since technically the Village did sponsor the 4th of July event. She would like to address the Performing Arts situation again so that we may come into compliance. She has always had a concern that we're contracting for entertainment but technically, even though the Village may be held liable, the Board never sees any contracts.

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She understands why that is because of the unusual nature but she thinks we need some clarification on how this committee will run, particularly since we have a high volume amount of contracts that come through on a consistent basis.

Bob Krieter, 62 Eagle, asked what happened to that sign that was up on the South side of Main street near Garrison? It was that "The War of 1812 barracks were at this site".

Superintendent David Laubisch stated he had no idea.

Trustee Kaye stated she just asked Trustee Kelly if his committee was aware of it. It was in front of Kenyans. It said the "War of 1812".

Mr. Krieter stated there was also a sign on Cayuga which has been missing for a few years. It said: "This site is 587' above sea level". Has anybody seen that? Mr. Krieter stated it's sort of a landmark figure. He just noticed that the one on Main Street was missing and it reminded him that there was another one. It was sort of unique.

Mr. Krieter also stated that if these committees are not-for-profit, don't you have to register this with the state? Don't they get their status from the Attorney General?

Attorney Troy stated our committees are only advisory functions. They are informal aids to the Trustees in which all power resides, right at this counter. They would have to register if they want to be independent agencies but that has no relevance to the functioning of the Village. That's an entirely different matter.

Mr. Krieter stated if the Jolly Boys has a function, he assumed they have to be not-for-profit. That accounting would be in Albany.

Carolyn Schlifke stated they're registered as a philanthropic organization, not a not-for-profit. The monies that they make they put back into the community by giving scholarships, etc. Her question is whether the Village is getting what they should get through these functions at least to put the park back in order where there is no accounting from the Jolly Boys and she's sure it's alot of money.

Trustee Kelly stated just as a further point, anything that goes on in the Village, the Mayor's issuing permits to the Lung Association, the Cancer Association and all those and we never ask for an accounting. It's really not our function to do that. However in this case a reimbursement is appropriate and he thinks it should be pursued.

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ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Kelly commented we're having a committee appreciation picnic in Island Park on August 13. He thinks we all agree that it's not enough for all the people that help us, but it's one way of the Village showing it's thanks. We provide a picnic dinner for them and a chance to socialize instead of work.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to adjourn the meeting at 9:25 P.M.

Unanimously carried.

Elaine Smith Honan
Deputy Clerk